

### **Remarks**

Claims 1-6, 8-16, 18-21, and 23-26 stand rejected in the instant application. In this request for continued examination, claims 21, 23-24 have been canceled without prejudice, thereby rendering their rejections moot. Applicants have also taken this opportunity to amend claims 1-3, 5, 8, 13-16, 18-19, and 25-26. Support for these amendments may be found throughout the originally submitted specification and claims including, for example, page 8 lines 5-11. No claims have been added, and consequently, it is respectfully submitted that no new matter has been introduced. Accordingly, claims 1-6, 8-16, 18-20, and 25-26 remain pending.

#### **Claim Rejections – 35 U.S.C. § 103(a)**

##### **Claims 1, 2, 8-15, 18-21, 23, 25, and 26**

These claims are rejected under 35 USC § 103(a) as being unpatentable over Carrubba et al (US 5,629,866) (“Carrubba”) in further view of Hjelsvold et al. (US2003/0145333) (“Hjelsvold”). In light of the current amendments, the Applicants respectfully traverse the rejection.

Claim 1 currently recites:

A method comprising:

receiving, by a server system, a selection to buy an upgraded media feature for a programming transmission from a client system via a first communication media;

automatically coordinating purchase of the upgraded media feature for the programming transmission with one of a plurality of programming transmission sources via a second communication media, the first communication media different than the second communication media; and

automatically coordinating provision of the upgraded media feature for the programming transmission, the programming transmission and upgraded media feature to be provided from the one programming transmission source to the client system via a third communication media, the third communication media different than the first and second communication media.

Therefore, claim 1 now clearly requires the use of a server system to be in communication with a client system via a first communication media, and a plurality of broadcast transmission sources via a second communication media. In this manner, the bifurcated server system assumes both the burden of receiving selections from a client via one communication media and provisioning

and coordinating purchase of the media with a plurality of transmission sources via another communication media. Additionally, the server system coordinates the provision of the upgraded media feature and the program transmission so that the client system receives the transmission from one of the sources through a third communication media, wherein all of the communication media are different. Consequently, the instant invention may allow the receipt of programming transmissions and upgraded media from various transmission sources while communicating with a single server system.

On the other hand, Carrubba teaches a single service provider transmitting an audio-visual presentation in two data streams, a basic data stream and a complementary data stream. The data streams are combined through a merging means (i.e., a CD-i player), and the signal is provided to a television. *Carrubba*, c.4 ll.13-16. There is no teaching or suggestion within Carrubba that would lead one of ordinary skill in the art to utilize a multi-functional server system as described by the recitations of claim 1. Rather, Carrubba focuses on receiving from a specific service provider a basic program which may be upgraded. For example, Carrubba teaches a user receives a basic part of an audio-visual program on a CD-i disk. This direct communication with a particular service provider teaches away from the need for a server system to coordinate and provision upgraded media with one of a plurality of programming transmission sources.

Hjelsvold, similar to Carrubba, also fails to teach or suggest the features as recited in claim 1. In the Examiner's arguments, Hjelsvold was relied on to teach automatically coordinating purchase of the upgraded media feature for the programming transmission. Specifically, Hjelsvold teaches the use of the internet to sell digital video information over the internet. A WWW server provides a list of customizable videos, and a commerce server initiates electronic payment. Hjelsvold, however, fails to teach or suggest a server system communicating with a client system over a first communication media, and coordinating purchases with one of a plurality of broadcast transmission sources via a second communication media different than the first communication media. Additionally, Hjelsvold fails to teach that the programming transmissions are provisioned to be provided over a third communications media different than the first and second communications media.

Therefore, Carrubba either alone or in combination with Hjelvold fails to teach or fairly suggest the newly amended recitations of claim 1. Therefore, the Applicants respectfully submit that claim 1 is now in condition for allowance, and the same is respectfully requested.

Dependent claim 2 depends directly from independent claim 1 thereby incorporating its recitations. Therefore, for at least the same reasons that claim 1 is allowable, claim 2 is similarly allowable.

Independent claims 8, 14, 18, 25, and 26 have all been amended to include similar recitations to that of claim 1. Therefore, for at least the same reasons that claim 1 is allowable, claims 8, 14, 18, 25, and 26 are similarly allowable.

Dependent claims 9-13, 15, and 18-20 all depend either directly or indirectly from independent claims 8, 14, or 18, thereby incorporating their recitations. Therefore, for at least the same reasons that claims 8, 14, or 18 are allowable, claims 9-13, 15, and 18-20 are similarly allowable.

#### Claims 3-6 and 16

These claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carrubba, in view of Hjelvold, Wonfer et al (US 6,381,747) and Ellis et al (US 6,357,043).

Claims 3-6, and 16 depend either directly or indirectly from independent claims 1 and 14, respectively, thereby incorporating their limitations. Furthermore, neither Wonfer nor Ellis cure the deficiencies of Carruba and Hjelvold, as discussed previously. Therefore, it is axiomatic that the addition of Wonfer and Ellis still fails to render obvious the recitations of claim 3-6 and 16. For at least these reasons, claims 3-6 and 16 are allowable.

#### Conclusion

Claims 1-16, 18-20, and 25-26 remain pending, no claims have been added. Claims 21 and 23-24 have been canceled without prejudice. As set forth above, Applicants submit that these claims are allowable and thus respectfully request allowance of the same. If the examiner has any questions regarding the substance of this office action response, he is invited to contact the undersigned at 503-796-2408.

The Commissioner is hereby authorized to charge shortages or credit overpayments to  
Deposit Account No. 500393.

Respectfully submitted,  
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